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| 10/505,324 | 08/23/2004 | Maki Wakita | 32213M035 | 3766 |

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| EXAMINER |
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CHU, KIM KWOK

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| ART UNIT | PAPER NUMBER |
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2627

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06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/505,324

Applicant(s)

WAKITA ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Pre-Amendment filed on 8/23/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☒ Certified copies of the priority documents have been received in Application No. PCT/JP03/02122.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 1 is objected to because of the following informalities:

(a) in claim 1, last line, the term "regulating means, is." contains typo errors and should be changed to --regulating means.-- ; and

(b) similarly, in claim 9, last line, the term "end side is." contains a typo error and should be changed to --end side.-- .

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 1-8 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tamaru et al. (U.S. Patent 5,107,478).

4. Tamaru teaches a disc drive unit for rotating a disc-shaped recording medium having all of the elements and means as

recited in claims 1, 2, 5-8 and 11. For example, Tamaru teaches the following:

(a) with respect to Claim 1, a rotary table (supporting means inside turntable 10) having a reference surface (supporting surface) on which the disc-shaped recording medium D is placed (Fig. 7); a head 5 (pickup) for reading information from the disc-shaped recording medium D and/or writing information to the disc-shaped recording medium (Fig. 7); at least one guide member 6 (feed shaft/guide rail) having an inner peripheral end and an outer peripheral end located on the inner peripheral side and the outer peripheral side, respectively, of the disc-shaped recording medium D mounted on the rotary table and guiding the head 5 for sliding motion in the radial direction of the disc-shaped recording medium D (Fig. 7); a tilt adjustment mechanism 7 for adjusting a tilt of at least the guide member 6 in the radial direction of the disc-shaped recording medium D with respect to the reference surface (supporting means inside turntable 10) (Fig. 7); and regulating means 3, 7 for restricting the distance from at least the outside end to the reference surface, wherein the position of the inner peripheral end of the guide member 6 is adjusted such that the inner peripheral end is closer to the reference surface (supporting means inside turntable 10) than

the outer peripheral end, restricted by the regulating means 3, 7 (Fig. 10).

(b) with respect to Claim 2, the tilt of the guide member 6 is adjusted by the adjustment mechanism 7 so that the distance from at least a part of the head 5 to the reference surface of the rotary table (supporting means inside turntable 10) can lie within a given fluctuation amount of the outer periphery of the disc-shaped recording medium D (Fig. 7; pickup 5 is adjustable within a given displacement).

(c) with respect to Claim 5, the given fluctuation amount of the outer periphery is 0.9 mm (Figs. 7 and 10; 0.9 mm is within the displacement of the pickup 5 because the disc thickness is 1.2 mm).

(d) with respect to Claim 6, a protective member 10 located between the reference surface (supporting means inside 10) and the guide member 6 and serving to prevent the guide member 6 from being exposed toward the reference surface (Fig. 7; turntable 10 encloses the disc supporting means attached on the rotating shaft 1).

(e) with respect to Claim 7, the protective member 10 is inclined (bell shaped) so that the inner peripheral end side (of the guide member 6) is situated closer to the reference surface than the outer peripheral end side is (Fig. 7).

(f) with respect to Claim 8, the protective member 10

has a recess (surface depression) into which at least a part of the head is evacuated (Fig. 7; member 10 has recess surface which clears/exposes the pickup 5).

(g) with respect to Claim 11, the tilt adjustment mechanism 7 adjusts a distance between the reference surface and the inner peripheral end or the outer peripheral end (Figs. 7 and 10).

5. Claims 3 and 4 have limitations similar to those treated in the above rejection, and are met by the reference as discussed above.

Allowable Subject Matter

6. Claims 9, 10, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claim 9, the prior art of record fails to teach or fairly suggest a disc drive unit having the following feature:

(a) the inner peripheral end side of the recess is inclined so that the inner peripheral end side of the recess is situated closer to the reference surface than the outer peripheral end side.

As in claim 10, the prior art of record fails to teach or fairly suggest a disc drive unit having the following feature:

(a) an adjustment range for the inner peripheral end and/or the outer peripheral end of the guide member is restricted by the protective member during the adjustment by said tilt adjustment mechanism.

As in claim 12, the prior art of record fails to teach or fairly suggest a disc drive unit having the following feature:

(a) the tilt adjustment mechanism is provided only on the inner peripheral end side of the guide member.

As in claim 13, the prior art of record fails to teach or fairly suggest a disc drive unit having the following feature:

(a) the tilt adjustment mechanism is provided on each of the inner and outer peripheral end sides of the guide member.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

Related Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Son et al. (6,282,161) is pertinent because Son teaches a disc drive unit having a tilt adjusting mechanism.

Ohmori et al. (5,970,035) is pertinent because Ohmori teaches a disc drive unit having a tilt adjusting mechanism.

Takizawa et al. (5,311,497) is pertinent because Takizawa teaches a disc drive unit having a tilt adjusting mechanism.

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington, can be reached on (571) 272-4483.


The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

Kim-Kwok CHU

6/18/2007

Examiner AU2627
June 18, 2007
(571) 272-7585


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER